

**INTELLECTUAL PROPERTY LAW OFFICE OF
DAVID N. LATHROP**

NO. 827
39120 ARGONAUT WAY
FREMONT, CALIFORNIA 94538

TELEPHONE (510) 713-0991
FACSIMILE (510) 474-1643
OFFICE@LATHROP-IPLAW.COM

September 22, 2011
BY FACSIMILE

To: Michael A. Band
United States Patent and Trademark Office
Art Unit 1723

Re: Request for Telephone Interview
U.S. patent application no. 10/573,942
Attorney Docket: NAA237

Dear Mr. Band,

The reason for the two telephone messages that I left during the past week is that we would like to request a telephone interview to discuss the most recent Office Action (mailed July 19, 2011).

There are three topics we would like to discuss so that we can better determine whether to file an appeal and, if an appeal is filed, to reduce the number of issues for that appeal.

1. The most recent Office Action indicates on page 2 that a Yamada reference was not considered and indicates on page 16 that none of the non-patent literature cited in an IDS filed March 29, 2006 has been submitted.

We would like to resolve this issue so that the prosecution record clearly indicates all of these references were submitted and considered. In particular, we wish to review the prosecution record as reflected in the USPTO PAIR system that shows these references were submitted and received by the USPTO and that the references were considered.

2. The most recent Office Action rejects claims 16-21 under 35 U.S.C. 112, first and second paragraphs with regard to the term "orthographically-projected."

We would like to discuss this term and, if necessary, discuss possible amendments so that we can overcome this rejection.

3. The most recent Office Action indicates on page 17 that the Applicants' arguments were considered but are moot in view of the grounds of rejection requiring new limitations.

It appears the most recent Office Action continues to apply the primary and secondary references in ways that were done in a previous office action and for which the Applicant responded with arguments why these references should not be used in this manner. The most recent Office Action did not address these arguments and we would like to discuss how we may have the benefit of understanding why these arguments were not persuasive.

Michael A. Band
United States Patent and Trademark Office
Art Unit 1723
September 22, 2011

Page 2

We look forward to an opportunity to discuss these items with you.

Very truly yours,

A handwritten signature in black ink, appearing to read "DNL".

David N. Lathrop